## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

BARBARA E. BERNARD, COURMANT AND WAPNER ASSOCIATES AND ROBERT SUTHERLAND, on behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

UBS WARBURG LLC AND ANTON WAHLMAN,

Defendants.

Civil Action No. 03-CV-04282(RMB)

**CLASS ACTION** 

PROPOSED ORDER AWARDING RMS
ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES

DATE: July 25, 2005 TIME: 2:30 p.m.

COURTROOM: The Honorable

Richard M. Berman

THIS MATTER having come before the Court on July 25, 2005, on the application of Co-Lead Counsel for an award of attorneys' fees and reimbursement of expenses incurred in the litigation; the Court, having considered all papers filed and proceedings conducted herein, having found the settlement of this litigation to be fair, reasonable and adequate and otherwise being fully informed in the premises and good cause appearing therefor;

## IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1. All of the capitalized terms used herein shall have the same meanings as set forth in the Stipulation and Agreement of Settlement dated as of March 11, 2005 (the "Stipulation").
- 2. This Court has jurisdiction over the subject matter of this application and all matters relating thereto, including all members of the Settlement Class who have not timely and validly requested exclusion.
- 3. The Court hereby awards Co-Lead Counsel attorneys' fees of \_\_\_\_\_\_ from the Settlement Fund and reimbursement of expenses in an aggregate amount of \$89,574.57 together with the interest earned thereon for the same time period and at the same rate as that earned on the Settlement Fund until paid. Said fees shall be allocated by Co-Lead Counsel in a manner

which, in their good-faith judgment, reflects each counsel's contribution to the institution, prosecution and resolution of the litigation. The Court finds that the amount of fees awarded is fair and reasonable.

4. The awarded attorneys' fees and expenses, and interest earned thereon, shall be paid to Lead Plaintiffs' Counsel from the Settlement Fund immediately after the date this Order is executed subject to the terms, conditions, and obligations of the Stipulation and in particular ¶8.2 thereof, which terms, conditions, and obligations are incorporated herein.

IT IS SO ORDERED.

DATED: 8/9/05

THE HONORABLE RICHARD M. BERMAN UNITED STATES DISTRICT JUDGE